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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/736,187

12/15/2003

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600.1298

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EXAMINER

KOHNER, MATTHEW J

ART UNIT

PAPER NUMBER

3653

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

01/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/736,187

Applicant(s)

CARON ET AL.

Examiner

Matthew J. Kohner

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 17 is/are allowed.
6) ☒ Claim(s) 1-6, 8-11 and 13-16 is/are rejected.
7) ☒ Claim(s) 7 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,186,443 to Manley et al. (*hereinafter* "Manley") in view of Great Britain Patent No. 2,032,889 to Brooke et al. (*hereinafter* "Brooke").

In regard to claims 1, 13 and 16, Manley discloses a sheet material conveyor comprising:

- a pocket conveyor (3) with at least one moving pocket (56) for collecting printed sheet material (60), the pocket conveyor having a release area (see Fig. 10) for releasing the printing sheet material in the pocket (Further, in regard to claims 12 and 13, Manley discloses a collect wall and a releasable foot [see Fig. 10]),

Manley does not disclose an air supply device providing air to the pocket at the release area, the air supply device including an air source, the pocket being movable with respect to the air source. However, Brooke discloses an air supply device (see Fig. 1) providing air to a pocket (defined by registration fences 104,105; support surface 102; and binding device 104) for the purpose of reducing the effects of friction between the stack and the support surface during ejection of the stack of papers (page 3, col. 2, lines 105-110). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Manley's pockets to

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include an air supply device providing air to the pocket, as taught by Brooke, for the purpose of preventing friction between the stack and the support surface during ejection of the stack of papers.

Examiner notes in the art of "bottom-drop" pocket conveyors, there is long known problem of friction between the paper and pocket wall adversely affecting the gravity drop (see e.g. US Patent No. 4,723,770 to Seidel et al. col. 11, lines 10-18). Brooke's air blower prevents this friction and therefore would be considered advantageous. Further, since Brooke overcomes the friction problem, it would have been obvious to one of ordinary skill in the art to use such a method in moving pockets, such as Manley's, to overcome the friction problem. The fact that Brookes pocket is stationary would not have prevented one of ordinary skill in the art from recognizing Brookes method of applying air to reduce friction should be applied to a pocket regardless of whether the pocket is stationary or movable. Additionally, in a device such as Manley's with many moveable pockets, it would be obvious that adding an air source to each pocket, rather than a single air source would be extremely wasteful. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied Brookes teaching to movable pockets such as Manley's and that the pockets would be movable which respect to an air source.

In regard to claim 2, see Manley, Fig. 10.

In regard to claims 3 and 6, Manley Fig. 10 and Brooke Fig. 1.

In regard to claims 4 and 5, see Brooke page 3 col. 2, lines 105-110 which discloses an air manifold (122) on the pocket connected to the air holes (121) and a transfer unit (123) for transferring air to the manifold.

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In regard to claim 8, Brooke discloses the air pressure may be varied (page 3, col. 1, lines 57-64).

In regard to claims 9-11 and 15, see Manley Fig. 4, which discloses a plurality of pockets (56) and a gripper conveying unit (98) under the pockets.

In regard to claim 14, Manley discloses different inserts (col. 1, line 50).

Response to Amendment

Applicant has amended claims 1, 5, 6, 7 and 13. Applicant has added new claims 16 and 17. Claim 17 is allowed.

Response to Arguments

Applicant's arguments filed 11/20/06 have been fully considered but they are not persuasive. Applicant has argued that neither Manley nor Brooke show or teach "an air supply device providing air to the pocket at the release area, the air supply device including an air source, the pocket being movable with respect to the air source." (Applicant's remarks, page 6). Further, Applicant has argued there is no reason or teaching in Manley or Brooke to provide an air supply device to a moving pocket. (*Id.*) Examiner disagrees. First, Manley does, in fact, teach moving pockets (see e.g. Fig. 1). Further, Examiner cited motivation in the previous office action which specifically disclosed it is known in the art that moving pockets have historically had a problem with the friction between the pocket wall and the paper affecting the gravity drop (see Office action, page 3). Since, Brooke overcomes the friction problem, it would have been obvious to one of ordinary skill in the art to use such a method in moving pockets, such as

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Manley's, to overcome the friction problem. The fact that Brookes pocket is stationary would not have prevented one of ordinary skill in the art from recognizing Brookes method of applying air to reduce friction should be applied to a pocket that is movable.

Allowable Subject Matter

Claim 17 is allowed.

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J. Kohner
Examiner
Art Unit 3653

mjk



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